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## ~~Judge rules Mississippi county is liable for jailing woman~~

By JEFF AMY Associated Press 32 min ago



JACKSON, Miss. (AP) — There are two remaining questions left for a Mississippi woman who sued over being jailed 96 days without seeing a judge: Will the U.S. Supreme Court get involved, and if not, how much will she get paid?

U.S. District Judge Sharion Aycock on Tuesday ruled that Choctaw County and Sheriff Cloyd Halford are liable for violating Jessica Jauch's constitutional rights. She set a March jury trial to determine damages. However, the county and Halford are asking the U.S. Supreme Court to take up the case. If the high court refuses to hear the appeal, as happens in most cases, the county will be out of legal options.

Jauch, now 36, was arrested on traffic charges in 2012 and held after being served with a drug indictment. While in jail, she says she was forced to temporarily sign over her daughter's custody rights to her mother. After finally seeing a judge, she was appointed a public defender and quickly made bail. She was eventually cleared of the drug charge after undercover video didn't show her committing a crime.

In Choctaw County, like many rural Mississippi counties, circuit court only meets twice a year, and the next meeting was months away. The sheriff said he didn't have to take Jauch before a judge until court met because she'd already been indicted on a felony drug charge, thus establishing probable cause for her detention.

Aycock originally agreed with that argument, dismissing Jauch's case in 2016. But the U.S. 5th Circuit Court of Appeal was sharply critical of Aycock's ruling, reinstating Jauch's case in 2017 and calling her detention "unjust and unfair" and "alien to our law."

"Heaping these consequences on an accused and blithely waiting months before affording the defendant access to the justice system is patently unfair in a society where guilt is not presumed," Circuit Judge Thomas Reavley wrote in 2017.

The county asked the full 5th Circuit to rehear the case, but the court refused on a 9-6 vote. The six judges who wanted to hear the case dissented, saying the illegal detention was the fault of state court judges, as the county and Halford continue to argue.

"A county sheriff is not responsible for judicial oversight of a state circuit court judge as such responsibility would violate state separation of powers," wrote lawyers Daniel Griffith and Christopher Bailey in their petition to the Supreme Court.

It's unlikely Jauch could ever collect money from judges because they're generally immune from lawsuits.

The county also argues that state law doesn't always require someone who is indicted to be arraigned before a judge and says the legal principles at hand weren't clearly established enough for everyone to understand them.

Jauch's lawyers say the law was long-settled and that Halford is the one to blame for breaking it.

"The sheriff, who is the chief executive of the county with respect to detention operations, chose to adopt a policy of doing nothing, and that choice caused a deprivation of constitutional rights," wrote Victor Fleitas and Michael Kirkpatrick.

Mississippi has long struggled with people being arrested before trial and held for months or years with little access to a lawyer or bail. Since Jauch was arrested, the state Supreme Court has enacted new rules of criminal procedure last year that are showing some progress in keeping poor people from being stuck in jail without a lawyer or bail. Those rules say that, among other things, those arrested before being indicted are supposed to appear before a judge within two business days, and anyone arrested after indictment must be arraigned within 30 days.

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